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TO AMEMBASSY ROME PRIORITY

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TAGS: EAIR, IT

SUBJECT: CIVAIR: SEABOARD WINTER SCHEDULE

REF: ROME 15288

1. SEABOARD REP STEVENS HAD PREVIOUSLY INFORMED DEPARTMENT THAT ALITALIA AND CIVILAVIA AUTHORITIES WERE NOT OPPOSED TO CHANGE OF GAUGE AT FRANKFURT. HOWEVER, IN VIEW OF COMMENTS BY PILATI AND ALMOST CERTAIN REJECTION OF THAT PART OF SEABOARD SCHEDULE INVOLVING CHANGE OF GAUGE, DEPT SUGGESTS THAT EMBASSY CONVEY FOLLOWING POINTS TO APPROPRIATE ITALIAN AUTHORITIES:

A. WITH RESPECT TO THE JUNE 22, 1970 EXCHANGE OF NOTES, IT IS OUR VIEW THAT THE NOTES WERE DESIGNED TO IMPOSE CERTAIN RESTRICTIONS ONLY ON CHANGES OF GAUGE OCCURRING IN THE TERRITORY OF EITHER CONTRACTING PARTY AND THAT IT PERMITS, WITHOUT RESTRICTIONS, CHANGES OF GAUGE OCCURRING OUTSIDE THE TERRITORY OF THE CONTRACTING PARTIES. SPECI-

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FICALLY THE NOTE STATES: "IT WAS AGREED THAT THE AIRLINE

OR AIRLINES OF ONE CONTRACTING PARTY MAY MAKE A CHANGE OF GAUGE IN THE TERRITORY OF THE OTHER CONTRACTING PARTY PROVIDED THAT: (A) CARRIAGE'BEYOND' THE POINT OF CHANGE

OF GAUGE WILL BE PERFORMED BY A SINGLE AIRCRAFT OF CAPACITY EQUAL TO OR LESS (MORE) THAN THAT OF THE ARRIVING (DEPARTING) AIRCRAFT, AND (B) AIRCRAFT FOR SUCH 'BEYOND' CARRIAGE WILL BE SCHEDULED ONLY IN COINCIDENCE WITH THE INCOMING AIRCRAFT (WITH THE SAME FLIGHT NUMBER) TO INSURE TRUE AND GENUINE CONTINUING SERVICE."

MOREOVER, OUR INTERPRETATION OF THE ABOVE PROVISION IS BUTTRESSED BY THE CONTEXT IN WHICH THE AGREEMENT WAS REACHED AND THE ORAL COMMENTS BY THE ITALIAN AND US NEGOTIATORS MEADOWS AND SANTINI DURING THE APRIL 30, 1970 TALKS. THE ATA MINUTES OF THESE TALKS DATED MAY 20, 1970 (AT PAGE 2) REPORT GENERAL SANTINI AS STATING: "WHAT WE WOULD LIKE TO AVOID IS HAVING ROME BE A CONNECTION POINT FOR MANY POINTS TO THE EAST. WE WANT TO AVOID THE POSSIBILITY OF CONNECTIONS." CLEARLY, THIS WAS THE UNDERLYING PURPOSE OF THE EXCHANGE OF NOTES AND AT NO POINT DURING THESE TALKS DID THE ITALIAN DELEGATION EXPRESS CONCERN ABOUT CHANGES OF GAUGE OCCURRING OUTSIDE OF ITALY;

B. IN ADDITION, IT SHOULD BE NOTED THAT BOTH BEFORE AND AFTER THE ABOVE EXCHANGE OF NOTES, PAA OPERATED A NYC-ROME FLIGHT WITH CHANGE OF GAUGE IN PARIS USING B-747 ON THE NYC-PARIS SEGMENT AND B-707 ON THE PARIS-ROME LEG AND BEYOND. FROM APRIL 26, 1970-MAY 31, 1970 THIS FLIGHT WAS ADVERTISED AS "SUBJECT TO GOVERNMENT APPROVAL." FROM JUNE 1-OCTOBER 24, 1970 THIS PROVISIO WAS REMOVED INDICATING GOVERNMENT APPROVAL HAD BEEN OBTAINED, AND WE UNDERSTAND FROM INDUSTRY SOURCES THAT PAA OPERATED THIS FLIGHT WITHOUT OBJECTION FROM THE ITALIAN AUTHORITIES UNTIL OCTOBER 25, 1970 WHEN PAA INTRODUCED DIRECT B-747 TO ROME. HENCE, WE CONCLUDE THAT THE ITALIAN GOVERNMENT HAD ACCEPTED THE CONCEPT THAT CHANGES OF GAUGE OCCURRING OUTSIDE OF ITALY WERE PERMITTED AND WERE NOT SUBJECT TO THE LIMITATIONS CONTAINED IN THE JUNE 22 EXCHANGE OF NOTES.

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C. SEABOARD IS NOT REALLY INCREASING OVERALL CAPACITY IN THE ITALIAN MARKET. IT IS STILL OPERATING NINE DC-8'S. MEANWHILE ALITALIA'S WINTER SCHEDULE CALLS FOR THE REMOVAL OF 79 SEATS FROM THE UPPER DECK OF ITS B-747 S ADDING TEN TONS PER FLIGHT TO ITS CARGO CAPACITY. THIS AMOUNTS TO 120 TONS PER WEEK--EQUIVALENT TO FOUR B-707 FREIGHTERS.

2. COMMENT: IT WOULD APPEAR THAT CIVILAVIA IS
SEARCHING FOR SOME BASIS FOR REJECTING SEABOARD'S
SCHEDULE BUT THAT FACTS DO NOT GIVE IT A SOLID BASIS
FOR OBJECTION. PERHAPS MAIN REASON FOR ITALIAN CONCERN
IS THAT SEABOARD AS SOLE ALL-CARGO CARRIER HAS MANAGED TO
INCREASE ITS MARKET SHARE OVER THE PAST YEAR DESPITE
DECLINING TRAFFIC VOLUME ON ITS WESTBOUND FLIGHTS. IN
ANY EVENT, DEPT WOULD APPRECIATE EMBASSY VIEWS ON POSSIBLE
WAYS OF HANDLING SEABOARD PROBLEM IF, AS ANTICI-
PATED, GOI DISAPPROVES THE SEABOARD SCHEDULE IN WHOLE
OR IN PART. KISSINGER

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